



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:03.04.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

Writ Petition (MD) No.2345 of 2013

Subrmanian

... Petitioner

Vs.

01.The Regional Director,
Reverse Bank of India,
Fort Glacis,
Rajaji Salai,
Chennai-600 001.

02.The Manager,
The Popular Auto Finance Ltd.
D.No.109, Main Road,
Alangulam,
Tirunelveli District.

... Respondents

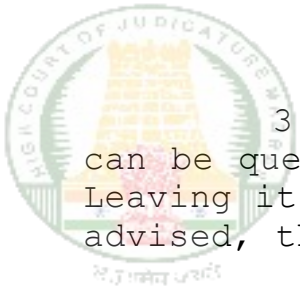
PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the 2nd respondent to hand over the petitioner's Bajaj Boxer-AT Motor Cycle bearing Regn. No. TN-72-T-3471 to the petitioner and consequently direct the 2nd respondent to provide compensation of Rs.10,000/- to the petitioner for the loss and mental agony caused to the petitioner and pass such further or other orders as this Court.

For Petitioner : Mr.T.Selvan
For R1 : No Appearance
For R2 : Mr. D.Srinivasa Raghavan

O R D E R

The petitioner seeks a Writ of Mandamus to direct the 2nd respondent financier to hand over the his Bajaj Boxer Motor Cycle and also pay the compensation of Rs.10,000/- for the loss and mental agony caused to him.

2.Admittedly, the petitioner has borrowed money from the 2nd respondent/finance company for purchasing a motor cycle. It appears that since the loan amount was not repaid properly and regularly, the second respondent/finance company has seized the motor cycle pursuant to the power conferred on it under the hypothecation agreement. It is purely a matter of contract.



3. I do not think this action of financial institution can be questioned under Article 226 of the Constitution of India. Leaving it open to the petitioner to seek appropriate remedy if so advised, the writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

+1 cc to Mr.D.Srinivasa Ragavan, Advocate, SR.No.19105

+1 cc to Mr.T.Selvan, Advocate, SR.No.19014

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CM/IA

MKV-JC-SAR 3/17.4.2017/2P-3C